

EXHIBIT 5

22CF 2308 B

BK2200571

Osceola County Uniform Charging Affidavit

OSCEOLA CO SHERIFF'S OFFICE

ARREST # 221084017

OBTS#

4902173793

ARREST

Filing Agency OSCEOLA CO SHERIFF'S OFFICE		Case# 221084017		Master Name # 1332480		FDLE		FBI		SS # [REDACTED]	
Defendant's Last Name First WISELEY DAREN						Middle ANDREW		SUF		Alias Citizenship US	
Race W	Eth NONH	Sex M	Hgt 6'01"	Eyes BLU	Hair BRO	Wgt 180	Comp FAR	Age 30	DOB [REDACTED] 1991	Birthplace MI US	Scars, Marks, TT
Permanent Address [REDACTED]						Phone (Home) (517)320-0885		Local Address			
Arrest Location 7730 SAGO LN, KISSIMMEE, FL 34747						Area / Zone 15		Phone (Work)		Place of Employment Occupation	
Violation Location 7730 SAGO LN; MYSTIUC DUNES, KISSIMMEE FL, 34747						Area / Zone 15		Date/Time of Violation 08/07/2022 1:32		Date/Time Arrested 08/07/2022 2:16	
DL # W240135087883		State MI	Breathalyzer By		Reading	Miranda Advisement Yes		By Whom? S. P. [REDACTED]		Indication of: Y N UK Alcohol Influence: <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	
Domestic Violence No		Weapon Seized NR		Officer Injured? NR		Language Spoken? NR		Caution NR		Drug Influence: <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	
Drug Type: NR		Type: N-N/A A-Amphetamine	B-Barbiturate C-Cocaine H-Heroin	H-Hallucinogen M-Marijuana O-Opium	P-Paraphernalia/ Equipment S-Synthetic	U-Unknown Z-Other	Activity: NR	Activity: B-Buy S-Sell	B-Buy S-Sell	F-Fuse I-Traffic M-Manufacture/ D-Deliver C-Cultivate	K-Dispense/ D-Distribute Z-Other
1 Defendant's Vehicle Make:		Type:		Year:		Color:		VIN #:			
Vehicle towed to:		Tag#:		Other Identification or Remarks:							
#	CoDefendant:	Address		Phone #		Race		Sex		DOB	
1		1									
Charge		OFFENSES CHARGES		F.S.#		CAPIAS/WARRANT #		CITATION#		BOND AMT	
3F		BATTERY LEO/FIREFGHTR/INTK OFF		784.07(2)(B)						5,000 2,500.00	
BOND GRAND TOTAL										5,000 2,500.00	

Before me this date personally appeared CADY, PETER who being first duly sworn deposes and says that on 8/7/2022 2:16:00AM at 7730 SAGO LN, KISSIMMEE, FL 34747 - in Osceola County Florida, the above named defendant committed the above offenses charged and the facts showing probable cause to believe the same are as follows:

2022 AUG -9 P 1:40
 RECEIVED
 CLERK OF COURT
 AND COUNTY CLERK

I swear the above statement is correct and true to the best of my knowledge and belief

2971
 OFFICER/AFFIANT'S SIGNATURE
 STATE OF FLORIDA COUNTY OF OSCEOLA

CADY, PETER
 OFFICER NAME

OSCEOLA CO SHERIFF'S OFFICE
 DIVISION / UNIT

The foregoing instrument was acknowledged before me this 7 day of Aug, (year) 2022, who is personally known to me or who has produced (ID Type) Police as identification and who DID take an oath.

2782
 Law enforcement officer / corrections officer per f.s. 117.10

NINTH JUDICIAL CIRCUIT
 OSCEOLA COUNTY
 STATE OF FLORIDA

Osceola County Uniform Charging Affidavit

OSCEOLA CO SHERIFF'S OFFICE

ARREST # 22I084017

OBTS#

Written By: D/S Peter Cady

Incident Number: 22I084017

Zone: Z15

Offense 1: F.S.S - 784.07(2)(B) - Battery on Law Enforcement, Firefighter, etc/ Committed

On 08/07/2022 at approximately 0130 hours, I responded to the Mystic Dunes resort located at 7730 Sago Dr, Kissimmee FL, in reference to a sick person. Upon arrival, I made contact with Deputy Malys who advised he made contact with [REDACTED] (07/10/1966), on-duty firefighter for Osceola County Fire Department, who advised the following verbally and via sworn written statement.

According to Jeffrey's sworn written statement, while he was on scene assisting with a patient, a friend of the patient, later identified by his Michigan Drivers License as Daren Wiseley (1991), ran towards Fire Rescue 73 and entered the Fire Rescue. After being asked to leave by [REDACTED] Daren then exited Fire Rescue 73 and left the area. After a short while, [REDACTED] observed Daren running towards Fire Rescue 73, at this time, [REDACTED] placed himself in between Daren and the Fire Rescue. Upon Daren arriving at the Fire Rescue, Daren physically grabbed [REDACTED] while also pushing and punching [REDACTED] Daren then made unknown verbal threats and ran off. [REDACTED] was advised of his rights under Marsy's law and given a victim's rights pamphlet. [REDACTED] requested confidentiality and desired prosecution with this case.

After speaking with Deputy Malys about [REDACTED] statement, I then spoke with Daren. Daren was read his Miranda Rights by Deputy Denmark (See Supplement). Daren agreed to speak with police and upon talking to Daren he denied any involvement with [REDACTED] Daren also did not remember entering the Fire Rescue. Daren believed he was invited but did not remember going back the second time. While speaking with Deputy Malys, Daren was seen sprinting toward the Fire Rescue. Daren did not become calm until he was placed into handcuffs. While handcuffed Daren began to speak about his friend "Erin" who was the patient [REDACTED] responded to the residence for. Based on my interaction with Daren, it became apparent that Daren is under the influence of either alcohol or other medication.

Based on my investigation, I have probable cause to charge Daren with the following: F.S.S - 784.07(2)(b) Daren actually and intentionally touched or struck [REDACTED] against his will. Daren intentionally caused bodily harm to [REDACTED] was a firefighter at the time of the incident and was acting in his official capacity while wearing his department issued uniform and operating in proximity to his agency vehicle. Daren knew [REDACTED] was a firefighter acting in his official capacity. [REDACTED] was engaged in the lawful performance of his duties when the battery was committed. Daren was placed under arrested and transported to the Osceola County Jail without incident.

Photographs of [REDACTED] were taken and uploaded into DigitalOnQ. A victim notification card was also submitted. My agency issued body worn camera was active during this investigation.

I swear the above statement is correct and true to the best of my knowledge and belief

2971
 OFFICER/AFFIANT'S SIGNATURE
 STATE OF FLORIDA COUNTY OF OSCEOLA

CADY, PETER
 OFFICER NAME

OSCEOLA CO SHERIFF'S OFFICE
 DIVISION / UNIT

The foregoing instrument was acknowledged before me this 7 day of August, (year) 22, who is personally known to me or who has produced (ID Type) Police as identification and who DID take an oath.

2742
 Law enforcement officer / corrections officer per f.s. 117.10

NINTH JUDICIAL CIRCUIT
 OSCEOLA COUNTY
 STATE OF FLORIDA
 Form # OCUCA 1.1



OSCEOLA COUNTY CORRECTIONS DEPARTMENT
ADVICE TO DEFENDANT

STATE OF FLORIDA

2022 AUG -9 P 2 48

CASE NO. _____

Plaintiff

CHARGES

Batt. Leo

-vs-

Wiseley, DAFED

Defendant

ADVICE TO DEFENDANT, FIRST APPEARANCE F.R.C.P.3.130(A) (2)

- I. I have been advised:
 - a. That the Judge will advise me of the charge(s), and the bond, if any, which may secure my release.
 - b. That I am not required to say anything and that anything I say may be used against me.
 - c. That if I am not represented by a lawyer, I have the right to counsel and if I am unable to afford counsel, counsel will be appointed, forthwith.
 - d. That I have a right to communicate with counsel, family or friends, and if necessary, means will be provided to enable me to do so.
 - e. That any waiver of counsel is limited to first appearance only, and shall not be construed to be a waiver of counsel for subsequent proceedings.
2. () I am financially able to afford a lawyer. His/her name is _____
- () I WAIVE MY RIGHT TO REPRESENTATION BY COUNSEL
(F.R.C.P.3.160(e)).
- (X) I am financially unable to afford a lawyer and I want one appointed for me.

I HEREBY STATE THAT I MAY BE NOTIFIED AT THE FOLLOWING ADDRESS:

Street Address

City

State

Zip

TELEPHONE NUMBER _____, and understand I must notify the Clerk of Court, Osceola County, Kissimmee, Florida, 34741, in writing of an address change and that if I fail to appear at any future proceedings, the Court will issue a capias for my arrest.

I HAVE RECEIVED A COPY OF THIS FIRST APPEARANCE SHEET.

Defendant Signature

Witness

8250

Filing # 155248399 E-Filed 08/12/2022 03:59:58 PM

IN THE CIRCUIT COURT OF OSCEOLA COUNTY, STATE OF FLORIDA

THE STATE OF FLORIDA

INFORMATION # 49-2022-CF-002308

VS.

DIVISION - 11-A

DAREN ANDREW WISELEY

1. BATTERY (On a Firefighter) (F3-L4)

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

MONIQUE H. WORRELL, State Attorney of the Ninth Judicial Circuit prosecuting for the State of Florida in Osceola County, by and through the undersigned Designated Assistant State Attorney, under oath, CHARGES that DAREN ANDREW WISELEY, on or about the 7th day of August, 2022, in said County and State, did, in violation of Florida Statutes 784.07(2)(b) and 784.03, knowingly commit a battery upon [REDACTED] a firefighter for the OSCEOLA COUNTY FIRE

DEPARTMENT, and in furtherance thereof, did actually and intentionally touch or strike [REDACTED] against the will of [REDACTED] or did intentionally cause bodily harm to [REDACTED] while [REDACTED] was engaged in the lawful performance of a duty.

This information encompasses the transaction and all charges listed on complaint number 49-2022-CF-002308. The Osceola County Sheriff's Office and the Osceola County Corrections Department shall substitute the charge(s) indicated on the information for those on the above cited complaint. The bond(s) shall remain the same as that last set on 49-2022-CF-002308.

STATE OF FLORIDA
COUNTY OF OSCEOLA

Personally appeared before me Brenna Leslie Jones, Assistant State Attorney of the Ninth Judicial Circuit of Florida, who being first duly sworn, says that he/she has received testimony under oath from the material witness or witnesses, which if true, would constitute the offense herein, and that he/she institutes the prosecution in good faith.

The foregoing instrument was acknowledged before me this 12th day of Aug, 2022 by the aforementioned Assistant State Attorney who is personally known to me and who did take said oath.

Shari Giuliano



SHARI GIULIANO
Commission # HH 180990
Expires November 3, 2025
Bonded thru Budget Notary Services

MONIQUE H. WORRELL, State Attorney
Ninth Judicial Circuit of Florida

By *Brenna Jones*
Brenna Leslie Jones
Designated Assistant State Attorney
Florida Bar No. 1019728

BJ/BJ

Page 1 of 1

S.T. 01/28/23

